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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Secretary-General

Summary

The present report contains the third annual budget performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. An amount totalling $35,974,800 net ($41,517,500 gross) was appropriated for 1997 by the General Assembly in resolutions 51/215 A and B of 18 December 1996 and 13 June 1997, respectively. During the year, the actual expenditure amounted to $35,717,600, resulting in an unencumbered balance of $257,200.

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I. Introduction

1. The budget performance report for 1997 is submitted in accordance with General Assembly resolution 49/251 of 20 July 1995. For 1998, the Assembly also requested the Secretary-General, by resolution 52/218 of 22 December 1997, to provide in the budget performance report the actual performance indicator statistics for 1997 and the information on the arrangements through which the Tribunal receives proper guidance and assistance from Headquarters to implement and enforce the financial rules, personnel rules and all other applicable administrative issuances of the United Nations.

2. The third year of operation of the Tribunal has been a turning point following the difficult start-up phase in the first two years. The second annual report of the President of the Tribunal to the Security Council and the General Assembly at its fifty-second session (A/52/582) provides details of activities undertaken through July 1997.

3. Notable developments, in chronological order, comprise both qualitative and quantitative improvements in the activities of the Tribunal. The first trial hearing was held on 9 January 1997. Three trials involving four defendants were under prosecution by the end of April 1997. With the exception of a judicial recess in mid-year to allow for the plenary session in June 1997 in Arusha and various legal motions in connection with new indictments, hearings continued on all three cases until court sessions adjourned towards the end of November.

4. Management changes in the Registry and the Office of the Prosecutor were made as early as February 1997, with the appointment of the new Registrar, and in May 1997, with the appointment of the new Deputy Prosecutor. A new Chief of Administration joined the Tribunal in April 1997. The candidate selected for the post of Deputy Registrar took up her duties in March 1998. A vacancy announcement for the post of Chief of Investigations was issued in the last quarter of 1997 in anticipation of the departure of the then incumbent at the end of the year, and candidates are being reviewed.

5. Construction of the United Nations Detention Facility was completed in July 1997, according to the plans drawn up in 1996. Nevertheless, additional improvements had been identified in order to enhance the conditions of detention. Some of these improvements involve the establishment of a mess hall and upgrading of the sewage and water systems, watchtowers and conference rooms for lawyers and detainees. Notwithstanding the need for improvements, completion of the project enabled the Tribunal to reduce overcrowding conditions, provide additional space in which detainees can exercise, and expand the facilities for administering the Detention Facility. A prison kitchen was established to ensure proper nutrition for detainees in a cost-effective manner.

6. Also in July 1997, as the result of a successful operation code-named "NAKI" (Nairobi-Kigali), seven suspects were apprehended and subsequently transferred to Arusha. In addition, the three detainees who had been held in Switzerland and Cameroon were transferred to the Tribunal during the year. Together with further indictments brought by the Prosecutor during the months of August and September, these actions yielded a total of 25 confirmed indictments involving 36 persons. By the end of the year, 23 persons were held in the custody of the Tribunal. The lone detainee held in the United States of America is still awaiting transfer proceedings.

7. The second courtroom was completed in September 1997, doubling the capacity of the Tribunal to hear trial cases. Each of the Trial Chambers is now capable of planning its own calendar independently of the other.

8. Other developments deserving of mention relate to the delivery of urgently needed transport and office automation equipment. It might be recalled that the Tribunal had experienced serious problems during its first two years, because of the slow pace of procurement. The new equipment was received in Arusha and Kigali at roughly the same time in the last quarter of the year. Recruitment, which had also lagged behind, experienced a surge in the second half of the year. As at year end, 60 new international staff who had accepted appointments with the Tribunal were in one or another stage of completing the recruitment formalities before taking up their duties at Arusha or Kigali. These developments, combined with the limited space at the current premises in Arusha, made clear that overcrowding would become a major problem in 1998. In 1997, the emphasis was placed on finding alternatives to relieve the future overcrowding which would result from attaining full staffing at both Arusha and Kigali.

9. In accordance with paragraph 3 of General Assembly resolution 52/218, the actual performance indicators for 1997 are provided in annex I to the present report. The information requested in paragraph 4 of the same resolution concerning the guidance and assistance provided by Headquarters to the Tribunal is described in annex II.

II. Performance report for 1997

Table 1
Overall appropriation and expenditure
(Thousands of United States dollars)

Object of expenditure	*Appropriation*	*Expenditure*	*Variance*
Posts (net of staff assessment)	23 462.4	22 885.1	(577.3)
Salaries and allowances of judges (including common costs)	913.9	1 658.2	744.3
Other staff costs	943.1	1 042.4	99.3
Consultants and experts	150.0	71.4	(78.6)
Travel	1 512.7	1 761.0	248.3
Contractual services	1 575.1	2 272.4	697.3
Hospitality	4.0	6.7	2.7
General operating expenses	1 822.9	2 915.7	1 092.8
Supplies and materials	996.0	1 113.0	117.0
Furniture and equipment	4 594.7	1 991.7	(2 603.0)
Staff assessment	5 542.7	3 198.8	(2 343.9)
Total (gross)	**41 517.5**	**38 916.4**	**(2 601.1)**
Income from staff assessment	5 542.7	3 198.8	(2 343.9)
Total (net)	**35 974.8**	**35 717.6**	**(257.2)**

10. In its resolution 51/215 B of 13 June 1997, the General Assembly decided to appropriate to the Special Account for the International Criminal Tribunal for Rwanda a total of $18,402,500 gross ($15,103,700 net) for the period from 1 July to 31 December 1997, in addition to the amount of $23,114,950 gross ($20,871,100 net) already appropriated for the period from 1 January to 30 June 1997 under Assembly resolution 51/215 A of 18 December 1996. The actual expenditures recorded for 1997 amount to $35,717,600 against the total appropriation of $35,974,800, reflecting an unencumbered balance of $257,200 in the order of 0.7 per cent. The breakdown of expenditure by object and the related variances against the approved estimates are explained below.

Posts (Decrease: $577,300)

11. The decrease reflects the net effect of savings under Salaries ($2,245,300) owing to vacancy of posts at both Arusha and Kigali, offset by an increase of $1,668,000 in the common staff costs which were higher than the standard costs used.

12. The overall vacancy rates of the authorized staffing table were 24 per cent for the period 1 January to 30 June 1997, and 22 per cent from 1 July to 31 December 1997. Despite these vacancy rates, there was a significant shortfall in the common staff costs, particularly those pertaining to initial appointment of internationally recruited staff. This is owing in large part to the vigorous recruitment efforts by the Tribunal to fill the vacant posts during the second half of 1997.

Salaries and allowances of judges (including common costs) (Increase: $744,300)

13. The additional requirements under this heading, amounting to $750,700, are attributable to the decision of the Secretary-General to compensate the judges retroactively to the date of their appointment.

Other staff costs (Increase: $99,300)

14. The increase of $99,300 relates to more resources required for overtime and other staff costs, totalling $312,100, partially compensated by savings of $212,800 under General temporary assistance.

15. The additional requirements of $312,100 under Overtime in 1997 were effected by the following two factors: (a) a substantial amount of overtime hours in 1996 approved for both international and local support staff were not compensated until the second half of 1997; and (b) the shortage of staff was often made up by staff on board

working extra hours. Although prevalent throughout the Tribunal, this was particularly true in the case of security and transport staff.

16. As regards General temporary assistance, the savings ($212,800) resulted from the hiring of mostly local staff as secretaries, drivers and cleaners, to meet immediate and short-term needs during peak workload periods.

Consultants and experts (Decrease: $78,600)

17. The surplus results from savings ($139,100) owing to the lower level of fee payments for expert testimony and the lower number of experts actually required, offset by unanticipated requirements of $60,500 in connection with the engagement, *inter alia*, of a quantity surveyor and an architect to assist in premises planning, a civil engineer to coordinate with the government supervisory personnel on the construction project at the United Nations Detention Facility, and a medical consultant for the detainees at the facility.

Travel (Increase: $248,300)

18. Increased requirements of $248,300 relate to the Office of the Prosecutor ($405,800), partially offset by savings in the order of $157,500 owing to lower requirements in the Chambers and the Registry. The over-expenditure under the Office of the Prosecutor pertains to the travel of the Prosecutor and her staff which was unforeseen and the increased international travel of investigative and legal staff as part of the new prosecutional strategy. In addition, although the provisions for travel within Rwanda were somewhat curtailed during the 1997 budget review in the light of the security situation, field investigations were required at almost the same level as originally envisaged.

Contractual services (Increase: $697,300)

19. The increase under this heading reflects the unanticipated cost of legal defence counsel for indigent accused persons who, even while awaiting trial, need counsel to represent them in hearings and preliminary motions and to prepare a defence.

Hospitality (Increase: $2,700)

20. An increase of $2,700 involves receptions held in conjunction with the plenary meeting of the judges and seminars or other meetings of the Tribunal, as well as hospitality to delegations visiting the Tribunal.

General operating expenses (Increase: $1,092,800)

21. The additional requirements reflect the net result of savings of $118,500 under premises and increased requirements ($1,211,300) in connection with the following: delayed communication charges, including long distance telephone calls from 1996, and full provisions for 1997 requirements ($490,800) and miscellaneous services ($720,500). Increases under Miscellaneous services include loss on exchange rate ($96,500), security operation of the Detention Facility and at senior level officials' residences ($227,500), bank charges ($62,300), announcement of vacancies in newspapers ($125,000), security service for premises in Kigali ($90,000), Operation NAKI ($75,000), rental of video equipment ($23,300) pending arrival of the equipment ordered, catering services to the Detention Facility prior to establishment of an in-house kitchen ($16,700) and rental of unmarked vehicles and temporary lodgings for support to victims and witnesses ($14,400), the total of which is partially offset by savings of $10,200 in Other miscellaneous services. The cost of the security operation of the Detention Facility and at senior level officials' residences and the fee for the security service in Kigali were erroneously recorded under this object, while budgetary provisions had been made under contractual services. Other items were unforeseen at the time of the preparation of the budget.

Supplies and materials (Increase: $117,000)

22. The variance in the amount of $117,000 is attributable in large part to unexpectedly higher requirements for fuel and lubricants ($97,400) and spare parts ($96,200), owing to the conditions of the vehicles, partially offset by decreases in requirements for other supplies.

Furniture and equipment (Decrease: $2,603,000)

23. The net reduction of $2,603,000 reflects savings in the order of $2,729,400 offset by additional requirements under Furniture and fixtures ($126,400) owing to additional staff in the second half of 1997.

24. The savings relate to various factors. In the case of communications equipment, improvements in operating systems were made in 1997 without the need to purchase all the equipment that had been anticipated.

25. Regarding office automation equipment, procurement delays affecting orders placed in 1996 made it impractical to order new equipment in 1997 until the one on order was received and assimilated into operations. This resulted in savings of $798,300.

26. The policy for acquiring vehicles prevented the Tribunal from placing orders totalling some $600,000 with vendors. This was the case of a procurement request involving additional vehicles to replace another 30 vehicles inherited from the United Nations Assistance Mission in Rwanda (UNAMIR). The order was delayed following a decision to seek lower prices by means of a global contract to one vendor who could commit to filling all the requirements of the United Nations fleet.

27. Additional savings of $411,800 under Other equipment relates to delays in identifying a vendor to provide hard-body armoured vehicles for the Victims and Witnesses Support Section and the Security and Safety Section, for adequate protection in the transport of witnesses and detainees.

Staff assessment (Decrease: $2,343,900)

28. The reduced requirements under this item reflect the vacancy rates reported in paragraph 12 above. The same amount represents income from staff assessment.

III. Action requested of the General Assembly

29. The General Assembly is requested to take note of the present report.

Annex I

Performance indicators for 1997

The Chambers

	Projection	*Implementation*
Trials	3	3
Court days	224	195
Plenary days	5	5

The Office of the Prosecutor

	Projection	*Implementation*
Investigation		
Number and status of investigations	70	80
Investigations resulting in public indictments	15	32
Missions	485	480
Witnesses interviewed	500	450
Statements obtained	215	450
Prosecution		
Motions/applications/responses	76	80
Trials under preparation	11	20
Trials being prosecuted	3	3

The Registry

	Projection	*Implementation*
Press and information		
Media representatives on distribution list	220	490
Press releases issued	65	74
Phone queries/document requests, press	600	685
Phone queries/document requests, public	660	410
Arranged visits by universities, other groups	25	29
Court management		
Court sessions	224	195
Court transcripts pages	10 090	34 003
Documents processed	1 400	1 684
Lawyers and Detention Facility management		
Number of legal counsel	26	30
Additional defence team members	8	9
Highest number of detainees	21	23

	Projection	*Implementation*
Witness and victims support		
Witnesses	109	83
Witness support days	1 360	1 040
Witnesses with additional protective measures	51	71
Relocation requests	5	10
Witnesses with additional support needs	31	119
Safe houses	2	2
General legal services and Chambers support		
Judicial decisions (English and French)	60	68
Warrants of arrest (English and French)	10	16
Confirmation of indictments (English and French)	10	15
Legal briefs and memoranda	25	N/A
Preparation of plenary sessions	1	1
Annual report	1	1
Yearbook	1 (1994-1996)	—
Language and conference services		
Translation pages	5 500	7 585
Court interpreter sessions	180	195
Personnel services		
Staffing table	417	324
Other personnel	300	244
Applications received/screened	1 600	2 132
Special service agreements	15	23
Offers of appointment	N/A	118
Short-term contracts	40	68
Budget and finance services		
Number of staff on payroll:		
Local staff	200	199
International staff (local portion of salary)	210	206
Claims (travel, etc.)	$2 000 000	$1 850 000
Other disbursements	$6 400 000	$7 700 000
Expenditure	$35 000 000	$35 000 000
General services		
Buildings management		
Work orders completed	36	50
Major projects	4	4
Registry fax/pouch/mail		
Incoming mail	21 800	23 840
Outgoing mail	16 500	26 619
Confidential pieces	800	1 050
Reproduction requests	400 000	750 363
Visa applications/residence permits	200	194

	Projection	*Implementation*
Air operations		
Number of flights	270	298
Number of passengers	1 600	1 293
Number of pieces: pouch, cargo, luggage	1 400	1 383
Receiving and inspection reports	925	393
Inventory	4/yr.	2/yr.
Travel		
Authorizations	800	945
Invoices	450	700
Procurement		
Purchase orders raised	415	435
Contracts signed	10	9
Local contracts committee cases	31	32
Headquarters Committee on Contracts cases	10	4
Security services		
Average number of patrols and posts covered daily	15	15
Staff identification cards issued	600	925
Visitors' passes issued	540	1 800
Officers covering courtrooms and accused	2	4
Officers covering the United Nations Detention Facility	6	6
Communications and electronic data processing/management information system		
Local area networks supported	2	2
Local area network connections	60	124
Help desk calls	4 800	2 718
Help desk calls/support person	3 840	1 954
Help desk – computers *in situ*	3 170	1 600
Audio/video court sessions supported	299	328
Communications phone extensions	500	472
Support requests	3 300	3 300
Outgoing faxes	33 228	45 195
Incoming faxes	17 289	14 805
Transport		
Number of fuel coupons	3 000	3 360
Vehicle maintenance and repair work orders	440	608
Trip tickets	4 500	4 440
Units of vehicle spare parts issued	300	512

Annex II

Information requested by the General Assembly in paragraph 4 of its resolution 52/218 of 22 December 1997

1. United Nations Headquarters continues to support the Tribunal in its work and to provide guidance in observing United Nations rules and regulations.

Department of Management

2. In 1997, the Secretary-General assigned a focal point within the Department of Management to assist in coordinating and expediting administrative decisions concerning Tribunal matters. Nevertheless, various offices in the Department are engaged daily in supervising, monitoring and processing the work relating to activities of the Tribunal.

Office of Human Resources Management

3. As of 1 October 1997, the Under-Secretary-General for Management delegated to the Tribunal, for a trial period of one year, the authority to administer all the human resources management functions. Immediately, all the appropriate appointment and promotion bodies were established by the Registrar, and an agreement identifying the distribution of responsibilities was signed by the Tribunal and the Office of Human Resource Management, with the latter assuming monitoring functions. A representative of the Office of Human Resources Management will visit the Tribunal later in 1998 to make an on-site inspection before making a recommendation to the Under-Secretary-General for Management on the extension of the delegation of authority.

4. In addition, the Office of Human Resources Management continues to process personnel actions, through the Integrated Management Information System, covering contractual status and determination of eligibility for entitlements for the Tribunal's international staff. The Office also provides support functions in the areas of job classification, vacancy announcements and issuance of letters of appointment, travel documents, medical clearance and insurance. Guidance on application of staff compensation policies is also rendered by the Office of Human Resources Management.

Office of Programme Planning, Budget and Accounts

5. This office provides ongoing guidance and clarifications to the Tribunal to ensure proper maintenance of the Tribunal's accounts, and extends practical help in finalizing the accounts for the year ended 31 December 1997. The financial statements of the Tribunal are prepared at Headquarters and consolidated with the overall United Nations financial statements. The Accounts Division also provides payroll support to the Tribunal.

6. Guidance is provided by the Programme Planning and Budget Division at all stages of the preparation of the Tribunal's budgets and performance reports, and generally in financial management and control of extrabudgetary resources. Requests for interpretation of the Financial Regulations and Rules of the United Nations and for financial data are responded to expeditiously. As part of its responsibilities, the Division issues promptly allotment advices and staffing table authorizations to ensure smooth implementation of the work programme of the Tribunal and monitors expenditures to alert the Tribunal to make corrective actions as necessary.

Office of Central Support Services

7. The Security and Safety Service continues to provide guidance and advice on security arrangements, and has scheduled training of Tribunal personnel in weapons handling and use, in accordance with United Nations policies.

8. The Procurement and Transport Division supports the Tribunal in developing specifications and bidding documents for major requisitions, evaluating the applicable thresholds for contracts to be considered by the local committee on contracts, and critiquing, supporting or defending as needed, the Tribunal's submissions for the consideration by the Headquarters Committee on Contracts.

9. In addition to providing both personnel and software for introducing electronic mail in Arusha and Kigali in 1997, the Information Technology Services Division has committed to provide the required communications support which would enhance the capacity of the Tribunal in the field of telecommunications including electronic, direct voice and data communications with New York and The

Hague in a secure environment, and make it possible to bring uninterrupted service of Internet with the capability to create a home page. This arrangement will eventually replace the current communication establishments provided by the Field Administration and Logistics Division of the Department of Peacekeeping Operations.

Office of Legal Affairs

10. The Office continues to advise the Tribunal on legal agreements in connection with donor Governments and the host Government, enforcement of sentences, and on other legal matters. It also provides guidance in the proposals to establish a third Trial Chamber, the setting up of a legal library, as well as in drafting major construction contracts.